

### REMARKS/ARGUMENTS

The office action of April 6, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-6, 8-14, 19-26, 28 and 30-34 remain pending in this application.

Claim 19 has been amended to improve the clarity, and not for reasons related to patentability.

Claims 1-6, 8, 9, 11-13, 19-26, 28 and 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,487,590 to Foley et al. (“Foley”) in view of U.S. patent no. 6,339,790 to Inoue. Applicants respectfully traverse this rejection.

Claim 1 recites, among other features, that the event manager has a client time stamp indicating when the client last queried the event manager for property change information and when polled by the client, the event manager provides the client with an update of any changes to the properties to which the client has subscribed. The action alleges that Foley shows all the features of claim 1, but for the event manager having a client time stamp indicating when the client last queried the event manager for property change information. To overcome this deficiency, the action relies on Inoue at col. 10, lines 40-47.

According to Foley at col. 2, lines 56-59, “client applications register for network element information they wish to track and after an initial set of data only receive incremental updates (deltas) when there are changes.” As such, Foley centralizes polling of attributes for each network element in an object server 25 (Fig. 1). Thus, Foley provides an automated technique to keep up on attribute changes where each client application registers with the object server once and, for each registered attribute, receives real time status updates or notification of events, alarms or configuration changes. More particularly, in the Foley scheme each client application makes a single request up front for current status and configuration information about selected attributes and requests notification of changes via callback. Thus, the object server, and not any client application, periodically polls each attribute which one or more clients has requested to be monitored. Stated differently, Foley does not suggest that the event manager is polled by each client to cause the event manager to provide the respective client with an update of any changes to the properties to which the client has subscribed as recited in claim 1. Rather, in Foley after

the up front request by the clients for updates on selected attributes, the object server continues to poll the selected attributes for all the clients once and when changes are detected, the update information is automatically provided to the clients.

In view of the above, applicants submit that, in addition to the deficiency noted in the action, Foley also lacks a suggestion of the event manager (its object server), when polled by the client, providing the client with an update of any changes to the properties to which the client has subscribed as recited in claim 1. Admittedly, Foley in its Background of the Invention section, at col. 1, lines 23-26, describes systems in which the client polls a network element when status is needed. However, Foley criticizes such systems at col. 1, lines 27-35 as follows:

In these systems, the polling may not be coordinated and is replicated for each client, if each client is interested in the same attributes. Also, each of the clients receive the full results for each polling cycle (even if there was no change from the last cycle) increasing the bandwidth used to communicate between the client application and the network element.

While recognizing the problem of receiving full results for polling, Foley takes a wholly different approach to resolving this problem than the claim 1 invention, by effectively eliminating client polling altogether. As such, Foley teaches away from client polling of attribute status.

That said, even assuming, but not admitting, that Inoue shows the event manager having a client time stamp indicating when the client last queried the event manager for property change information as recited in claim 1, one skilled in the art would not have been motivated to modify Foley to include such a feature. Notably, Foley's object server does not need to know, have any use for or even care when the client last queried the event manager for property change information.

The motivation relied on by the action for combining Inoue with Foley, "allowing for the management system to not have to keep a log of all records that have been sent and simply send those that have changed since the last request" would not have motivated one skilled in the art to modify Foley with Inoue. Indeed, Foley has identified this problem in its Background of the Invention section as noted above, and pursued a wholly different avenue to solve the problem. Specifically, Foley has effectively eliminated client polling of attribute status and provided each

client automatic updates of attribute status for attributes the clients have selected when there are changes to those attributes.

In view of the above, applicants submit that the combination of Foley and Inoue is improper. For at least this reason, claim 1 is patentably distinct from the combination of Foley and Inoue. Claims 2-6, 8, 9, and 11-13, which ultimately depend from claim 1, are patentably distinct from the applied art for the same reasons as their ultimate base claim, and further in view of the advantageous features recited therein.

For example, claim 5 recites that the event manager has a custom container identifying each control object based on locations of each of the associated plurality of software controllable devices. The action points to Figure 4 of Foley to show this feature. Yet, Figure 4 of Foley is wholly devoid of a teaching or suggestion of a custom container identifying each control object based on locations of the software controllable devices as recited in claim 5. That is, Foley does not describe teach or suggest that clients can create additional custom containers having pointers to control objects which correspond to specific control devices in the same location, such as a specific room.

Independent claim 19 is directed to a method for providing a client information about at least one device, wherein the device and the client are part of a networked management system. The action alleges that Foley shows all the features of claim 19, but for storing a property time stamp corresponding to the change information indicating when the property of the device changed and receiving a request for status information from a client regarding the property, wherein the client has a client time stamp that is earlier than the property time stamp. the event manager having a client time stamp indicating when the client last queried the event manager for property change information. To overcome this deficiency, the action relies on Inoue at col. 2, lines 26-38, col. 5, line 60 to col. 6, line 6, col. 10, lines 40-47, and Figure 11.

Contrary to the action's assertion, one skilled in the art would not have been motivated to modify Foley to include the above features allegedly found in Inoue. Notably, Foley's object server does not need to know, have any use for or even care when the client last queried the event manager for property change information. The motivation relied on by the action for combining Inoue with Foley, "allowing for the management system to not have to keep a log of

all records that have been sent and simply send those that have changed since the last request" would not have motivated one skilled in the art to modify Foley with Inoue. Indeed, Foley has identified this problem in its Background of the Invention section as discussed above with respect to claim 1, and pursued a wholly different avenue to solve the problem. Specifically, Foley provides each client automatic updates of attribute status for attributes the clients have selected when there are changes to those attributes.

In view of the above, applicants submit that the combination of Foley and Inoue is improper. For at least this reason, both claim 19 and claim 20, which depends from claim 19, are patentably distinct from the combination of Foley and Inoue.

The action contends that Foley discloses all the features of independent claim 21, but for receiving a request from a client for status information regarding at least one property of a device wherein the request provides a client time stamp indicating when the client last queried the event manager for property change information, comparing the client time stamp information with the time stamp corresponding to when the property that the client requests last changed value, and if the client time stamp is earlier than the time stamp corresponding to when the property that the client requests last changed value, providing the property value information to the client. To remedy these defects the action points to Inoue.

As discussed above with respect to claims 1 and 19, one skilled in the art would not have been motivated to modify Foley to include the above features allegedly found in Inoue. Notably, Foley's object server does not need to know, have any use for or even care when the client last queried the event manager for property change information. The motivation relied on by the action for combining Inoue with Foley, "allowing for the management system to not have to keep a log of all records that have been sent and simply send those that have changed since the last request" would not have motivated one skilled in the art to modify Foley with Inoue. Indeed, Foley has identified this problem in its Background of the Invention section as discussed above with respect to claim 1, and pursued a wholly different avenue to solve the problem. Specifically, Foley provides each client automatic updates of attribute status for attributes the clients have selected when there are changes to those attributes.

In view of the above, applicants submit that the combination of Foley and Inoue is improper. For at least this reason, claim 21 is patentably distinct from the combination of Foley and Inoue. Claims 22-26, 28 and 31-33, which each directly or indirectly depend from claim 21, are patentably distinct over the applied art for the same reasons as their base claim, and further in view of the additional advantageous features recited therein. For example, claim 25 recites that the event manager has a custom container identifying each control object based on locations of each of the associated plurality of software controllable devices, which as discussed above is neither taught nor suggested by Foley or Inoue.

Claims 10 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foley in view of Inoue as applied to claims 1 and 21, respectively, and further in view of U.S. patent no. 6,665,731 to Kumar et al. (“Kumar”). Claims 14 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foley in view of Inoue as applied to claims 1 and 21, respectively, and further in view of U.S. patent no. 6,546,419 to Humpleman et al. (“Humpleman”). Applicants respectfully traverse these rejections.

Claims 10 and 14 depend from claim 1 and claims 30 and 34 depend from claim 21. Neither Humpleman nor Kumar overcome the deficiencies noted with respect to Foley and Inoue. As such, claims 10, 14, 20 and 34 are allowable for at least this reason over the applied art.

Appln. No.: 09/894,446  
Amendment dated June 13, 2005  
Reply to Office Action of April 6, 2005

**CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

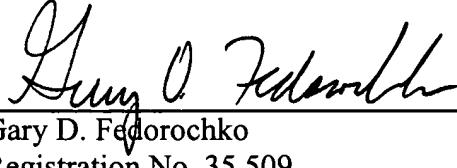
All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: June 13, 2005

By:

  
\_\_\_\_\_  
Gary D. Fedorochko  
Registration No. 35,509

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001

GDF:lab